

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAMAURI DENT,

Plaintiff,

Case No. 1:21-cv-915

v.

Honorable Ray Kent

MICAH MOSER,

Defendants.

ORDER VACATING STAY AND FOR SERVICE

This is a prisoner civil rights action. The Court has conducted an initial review of the complaint pursuant to 28 U.S.C. §§ 1915(e) and 1915A and 42 U.S.C. § 1997e(c), to determine whether it is frivolous, malicious, fails to state a claim upon which relief can be granted or seeks monetary relief against a defendant that is immune from such relief. Upon initial review, the Court concludes that the complaint is not subject to dismissal for any of the reasons listed above.

The Court previously entered an order staying the case and referring it to early mediation (ECF No. 5). However, because Plaintiff's complaint concerns issues arising from his confinement at the Muskegon County Jail, it is not appropriate for the Pro Se Prisoner Civil Rights Litigation Early Mediation Program. Consequently, the order of stay will be vacated as improvidently entered. Therefore:

IT IS ORDERED that the order staying this case (ECF No. 5) is **VACATED**.

IT IS FURTHER ORDERED that the Clerk shall forward the complaint to the U.S. Marshals Service, which is authorized to mail a request for waiver of service to Micah Moser in the manner prescribed by Fed. R. Civ. P. 4(d)(2). If waiver of service is unsuccessful, summons

shall issue and be forwarded to the U.S. Marshals Service for service under 28 U.S.C. § 1915(d).

IT IS FURTHER ORDERED that Defendant Micah Moser shall file an appearance of counsel (individual Defendants may appear *pro se* if they do not have counsel) within 21 days of service or, in the case of a waiver of service, 60 days after the waiver of service was sent. Until so ordered by the Court, Defendant is not required to file an answer or motion in response to the complaint, and no default will be entered for failure to do so. *See* 42 U.S.C. § 1997e(g)(1). After Defendant has filed an appearance, proceedings in this case will be governed by the Court's Standard Case Management Order in a Prisoner Civil Rights Case.

Dated: December 8, 2021

/s/ Ray Kent
Ray Kent
United States Magistrate Judge